

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

DEAYNA GALLEGOS,  
Plaintiff,

v.

MERCEDES-BENZ USA, LLC,  
Defendant.

Case No. 22-cv-03324-JST (RMI)

**ORDER RE: SECOND SET OF  
DISCOVERY DISPUTES**

Re: Dkt. Nos. 60, 61

With regard to Plaintiff's deposition, the parties are **ORDERED** to continue to meet and confer regarding the rescheduling of the deposition with the understanding that the deposition will take place no later than February 28, 2024. If Plaintiff wishes to extend this deadline due to a medical emergency, she may seek leave from the court by filing a request, supported by sworn affidavits from counsel and medical records, which may be filed under seal, or sent to the court for *in camera* review.

With regard to the deposition of non-party MBWC's PMK, Plaintiff's request for an order requiring that the non-noticed and non-subpoenaed deposition to take place prior to February 15, 2024, is **DENIED**. Plaintiff has failed to explain her delay in timely and properly seeking this deposition. Furthermore, although Plaintiff has repeatedly stated the necessity of the deposition for the preparation of her opposition to the MSJ, Plaintiff has failed to offer any explanation that would make that showing.

With regard to the Rule 34 materials, Plaintiff objects to "Defendant's boilerplate objections and deficient responses to Plaintiff's Rule 34 Requests and refusal to produce: the Subject Vehicle's pre-litigation Xentry diagnostic trouble code reports, MBUSA's distribution

1 invoice and shipment documents, and its authorized dealership's presale disclosures and its title  
2 transfer documents filed with the California DMV title (these are normally produced by  
3 MBUSA's in other unrelated Song-Beverly matter), the Mercedes-Benz Passenger Car Dealer  
4 Agreement between MBUSA and MBWC." Pl.'s Ltr. Br. (dkt. 60) at 2. Here, again, Plaintiff  
5 merely makes the assertion that these materials are "integral to mounting a proper defense against  
6 MBUSA's MSJ," but does nothing to explain why. *See id.* Accordingly, Plaintiff's request to  
7 compel further Rule 34 responses is **DENIED**.

8 **IT IS SO ORDERED.**

9 Dated: February 8, 2024

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12 ROBERT M. ILLMAN  
13 United States Magistrate Judge  
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